

### **REMARKS**

The foregoing amendments and these remarks are in response to the Office Action dated June 26, 2007. This amendment is filed with a request for extension of time and authorization to change Deposit Account No. 50-0951 for the appropriate fees.

At the time of the Office Action, claims 1-11 were pending in the application. In the Office Action, objections were raised to the drawings, abstract, specification and claim 1. Claim 1 was rejected under 35 U.S.C. §102(b). Claims 2-11 rejected under 35 U.S.C. §102(b). The objections and rejections are discussed in more detail below.

#### **I. Objections to the Drawings**

In the Office Action, the drawings were objected to because feature U3 described in paragraphs [019] and [022] was not shown in the Figures. Applicant submits a new Figure 1 which shows U3. Accordingly, withdrawal of the objections to the drawings is thus respectfully requested.

#### **II. Objections to the Specification, Abstract and Claim**

The abstract, specification and claim 1 were objected to for the informalities listed in the Office Action. Appropriate corrections are made herein, and withdrawal of the objections is hereby requested.

#### **III. Rejections on Art**

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,743,837 to Herzog ("Herzog"). Claims 2-4 and 7-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herzog in view of U.S. Patent No. 6,466,036 to Philipp. Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herzog in view of U.S. Patent No. 6,518,820 to Gremm.

Applicant respectfully traverses these rejections. Applicant additionally amends claim 1 to clarify that the AC voltage is supplied to the connecting means as the triggering signal. This

points out the fact that the charging voltage is used as the triggering signal for controlling the first and the second connecting means. Thus, the charging voltage as an AC voltage itself controls the switching means, therefore no control circuit is needed for separately generating the triggering signal.

The circuit arrangement according to claim 1 differs from the circuit arrangement disclosed in Herzog by at least the following features:

1) The circuit arrangement disclosed in Herzog is not used as a capacitive proximity switch for the determination of an operating state.

2) Herzog discloses only one controllable connecting means, namely the change over switch 16, for charging the test capacitor 11 and for charge transferring. According to claim 1 a first and a second controllable means are used, namely the first controllable connecting means for supplying the charging voltage to the capacitive sensor element and the second controllable connecting means for charge transferring. The change over switch 23 of Herzog only applies a shield associated with the measured capacitance with the switch over frequency periodically and alternately to potentials which correspond substantially to the constant voltage and the reference potential respectively, see abstract. Thus Herzog discloses only a single controllable connecting means in the sense of claim 1.

3) The charging voltage of Herzog is a DC voltage, see Fig. 1 to Fig. 4 and column 2, lines 48-49 "which carries a positive direct voltage + U with respect to ground an which is for example the operating voltage of the circuit". Since the charging voltage of Herzog is a DC voltage it cannot be used for controlling or triggering the connecting means.

Therefore the subject matter of claim 1 differs completely from the circuit arrangement disclosed in Herzog.

The subject matter disclosed in Gremm is not based on the switched capacitor principal and it discloses only a single controllable connecting means.

The charging voltage +Vr disclosed in Phillip is also a DC voltage, see Fig. 4 and column 4, line 67 "where Vr is the reference voltage connected to S1".

For the foregoing reasons, the subject matter of claim 1 is believed to be novel and involves an inventive step in view of the cited references. Claim 1 is thus believed to be in condition for allowance. The dependent claims are also believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

IV. Conclusion

Based on the foregoing, Applicant respectfully submits that the claims are in condition for allowance. Favorable consideration and allowance of the application are respectfully solicited. Applicant invites the Examiner to call the undersigned if a telephonic interview would expedite an allowance of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500951 and please credit any excess fees to such deposit account.

Respectfully submitted,



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